

SUMMARY

The above amendment and following remarks are responsive to the points raised in the Office Action dated August 12, 2005. Claims 1-20 were originally filed with claims 1-13 and 19-20 being withdrawn from consideration under an election requirement by the Examiner. Upon entry of this Amendment, claims 1-13 and 19-20 will have been canceled, claim 14 will have been amended, claims 21-27 will have been added, and claims 14-18 and 21-27 will remain pending in this application. Entry and consideration of this amendment are respectfully requested. Applicants reserve the right to pursue the subject matter for the canceled, non-elected claims in subsequently filed continuation or divisional applications.

REMARKS

Response To Rejection Under 35 U.S.C. § 102(b)

In the Office Action dated August 12, 2005, the Examiner rejected claims 14-18 under 35 U.S.C. § 102(b) as being anticipated by *Bishop* (U.S. Patent No. 4,750,840). Applicants traverse this rejection.

Upon entry of the present Amendment, claim 14 will have been amended to recite a method of moving a stand mixer that includes a base with a front lower portion, a front upper portion, and a rear lower portion. The base of the stand mixer includes attachment means capable of receiving a removably detachable bowl that includes a handle position at the front lower portion of the base when the base is attached to the attachment means, and at least one wheel positioned at the rear lower portion of the base. The method includes attaching the bowl to the base at the attachment means and lifting the handle upwardly from the front lower portion in a direction toward the front upper portion to engage the at least one wheel. *Bishop* fails to

disclose this functionality. Specifically, *Bishop* discloses a manually operated portable mixing device with a drum that:

The drum is provided with four hand-grip members 23 at 90° intervals circumferentially of the drum shaped to interfit with the ribs 22, and being detachably mounted to the drum by means of bolts 24. Cross head portions of the hand-grip members 23 are suitably provided with rotatable sleeves 25 to facilitate comfortable gripping in the manual rotation of the drum when mixing contents. It will be noted that the drum as illustrated is provided with 8 ribs 22. This number can be reduced to 4 in a smaller adaptation of the invention or, if desired, increased to 12 in a larger adaptation of the invention. (4/3-14)¹

Further, *Bishop* defines a method for how to move his mixing device:

When it is desired to move the assemblage about the operator will grasp two of the drum handgrips 25 and tilt the assemblage rearwardly to be supported by the wheels 39. This moving configuration can be visualized by rotating FIG. 2 so that the dot-dash line 41, representing the support surface when moving the device, is in the horizontal position. In this configuration it will be seen that the center of gravity of the drum will be directly above the wheels 39.

When drum contents have been suitably mixed by hand-rotation of the drum, the dumping of contents is easily accomplished by forwardly tilting the assemblage so that the tilt portions 14 rest on the support surface 42 as shown in the dot-dash lines in FIG. 2. In this configuration it will be apparent that drum contents will be freely discharged, and that substantially complete discharge can be accomplished by manual rotation of the drum while in this configuration.

As will be seen in the drawing the hand-grips 25 are angled slightly with respect to the drum axis to be convergent in the direction of the open end of the drum to thereby dispose hand-grip portions 25 substantially parallel to the ground or other support surface when in the upwardly extended position as shown in FIG. 2. This inclined orientation of the hand-grips 25 provides comfort to the operator during mixing operation and at the same time disposes adjacent hand-grips 25 in the slightly divergent relation, comparable to that of wheel barrow handles with respect to an operator who has tilted the assemblage to move it about on the wheels 39. The angular orientation of the hand-grips 25 is also practical and comfortable for the operator, when the assemblage is tilted forward on the tilt portions 14 and the drum is being rotated or oscillated to aid in discharge of contents therefrom. (4/62-5/28).

¹ References to columns and lines of the specification are indicated "(column/line)".

Thus, the *Bishop* mixing device requires an operator to grasp two of the hand grips and tilt the assemblage rearwardly to engage the wheels. This is contrary to present claim 14 that provides a method of moving a stand mixer with a handle positioned at the front lower portion of the base of the stand mixer. The current method includes lifting the handle upwardly from the lower front portion in a direction toward the upper front portion to engage the wheel positioned at the rear lower portion of the base. Accordingly, since *Bishop* requires rearward, or downward, movement of the handle to engage the wheel, and the presently claimed method includes upward lifting of the handle to engage the wheel, *Bishop* fails to anticipate the claims as amended and rejections based thereupon should be removed as overcome.

Claims 15-18 are allowable as dependent upon independent claim 14 and inheriting the allowable characteristics thereof.

New claims 21-27 also define over *Bishop* and other cited art. Specifically, new claim 21 depends on independent claim 14 and inherits the allowable characteristics thereof. Independent claims 22 and 23 provide that the handle is disposed on the base, not the bowl, and is lifted upwardly to engage the at least one wheel, which is contrary to the mixer shown in *Bishop* that has a handle on the bowl that is tilted rearwardly to engage the wheels.

If the Examiner has any comment on this Amendment, he is invited to contact the below-listed attorney for a discussion thereof.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees that may be required for the timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted

1/12/06
Date

Keats A. Quinalty
Keats A. Quinalty
Registration No. 46,126
James F. Vaughan
Registration No. 31,889

CUSTOMER NUMBER 26158
WOMBLE CARLYLE SANDRIDGE & RICE
P. O. Box 7037
Atlanta, Georgia 30357-0037
(404) 879-2423 (Telephone)
(404) 879-2923 (Facsimile)